

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY M. GARCIA,

Plaintiff,

v.

JEFF MACOMBER, et al.,

Defendants.

No. 1:25-cv-00027-KES-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
RETALIATION CLAIM

Doc. 12

Plaintiff Anthony M. Garcia is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 28, 2025, the assigned magistrate judge screened plaintiff's second amended complaint and found that it stated a cognizable claim against defendants Jeff Macomber, Ron Broomfield, and John/Jane Does 1 through 8 for deliberate indifference to his safety in violation of the Eighth Amendment. Doc. 12. The magistrate judge also found that plaintiff failed to state a cognizable claim for retaliation and recommended that claim be dismissed. *Id.* at 5–7. Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were due within 14 days. *Id.* at 7. Plaintiff did not file objections, and the time to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having carefully reviewed the file, the Court finds the findings and

1 recommendations to be supported by the record and by proper analysis.

2 Accordingly:

- 3 1. The findings and recommendations issued on August 28, 2025, Doc. 12, are  
4 adopted in full;
- 5 2. This action shall proceed on plaintiff's claim, in his second amended complaint  
6 filed July 25, 2025, Doc. 10, against defendants Jeff Macomber, Ron Broomfield,  
7 and John/Jane Does 1 through 8 for deliberate indifference to his safety in  
8 violation of the Eighth Amendment;
- 9 3. Plaintiff's retaliation claim is dismissed for failure to state a cognizable claim for  
10 relief; and
- 11 4. This action is referred back to the magistrate judge for further proceedings.

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14 IT IS SO ORDERED.

15 Dated: October 20, 2025

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UNITED STATES DISTRICT JUDGE